



Docket:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:

Hideaki SUGIYA, et al.

U.S. Serial No. 10/686,514

Group Art Unit:

Filed: October 16, 2003

Examiner:

Reissue of Patent No.: 6,373,624

Patent Issued: April 16, 2002

For: OPTICAL AMPLIFIER AND AN OPTICAL AMPLIFICATION METHOD

REISSUE APPLICATION DECLARATION UNDER 37 C.F.R. § 1.175

Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

We, Hideaki SUGIYA and Yoshihito ONODA declare that:

1. Our residences, post office addresses and citizenship are as stated below next to our respective names.
2. We believe we are the original, first and joint inventors of the subject matter which is described and claimed in U.S. Letters Patent No. 6,373,624 issued on April 16, 2002, and for which invention we solicit a reissue patent on the invention entitled OPTICAL AMPLIFIER AND AN OPTICAL AMPLIFICATION METHOD, disclosed in the reissue application filed October 16, 2003.
3. We hereby state that we have reviewed and understand the contents of the above-identified application, including the claims as amended and as added in the reissue application filed October 16, 2003.
4. We acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

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5. We hereby claim foreign priority benefit under Title 35, United States Code, Section 119, of Japanese Patent Application No. 8-236042 filed September 6, 1996, and there are no other foreign applications for patent or inventor's certificate having a filing date before Japanese Patent Application Number 8-236042 on which priority is claimed.

6. Applicants verily believe the original 6,373,624 patent to be wholly or partly inoperative or invalid by reason of the patentees' claiming more or less than they had the right to claim in the patent.

7. Various independent claims in the original Patent No. 6,373,624 recite "an optical fiber through which an input light travels" in the bodies of the claims. With respect to the claims, and with respect to broadening the claims, one error being relied upon is that an independent claim could have been added which does not recite "an optical fiber through which input light travels" in the body of the claim. Therefore, the reissue application includes at least one independent claim which does not include this recitation in the body of the claim.

8. All errors, including those listed above, which are being corrected up to the time of filing of this reissue declaration arose without any deceptive intention on the part of the applicants (37 CFR 1.175(a)(2)).

9. We hereby appoint the attorneys and/or agents of Staas & Halsey LLP under USPTO Customer No. 21,171 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

10. Please send all correspondence related to the above-identified application to the following address:

STAAS & HALSEY LLP



21171

PATENT TRADEMARK OFFICE

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11. We hereby declare that all statements made herein of our own knowledge are true, that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor Hideaki Sugiya

Inventor's Signature Hideaki Sugiya Date Nov. 9, 2004

Country of Citizenship Japan

Residence Kawasaki, Japan

Post Office Address c/o FUJITSU LIMITED, 1-1, Kamikodanaka 4-chome, Nakahara-ku,
Kawasaki-shi, Kanagawa 211-8588 Japan

Full name of second inventor Yoshihito Onoda

Inventor's Signature Yoshihito Onoda Date Nov. 9, 2004

Country of Citizenship Japan

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Kawasaki-shi, Kanagawa 211-8588 Japan



Docket No.: 826.1389D2RE

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CONSENT OF ASSIGNEE TO FILING OF REISSUE APPLICATION,
STATEMENT UNDER 37 CFR §3.73(b), AND
OFFER TO SURRENDER ORIGINAL PATENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Petitioner, Mr. Hideo Ozawa, represents that I am the General Manager, Patent Division, of the Assignee identified below owning the entire interest in the above-identified patent and am authorized by the Assignee to assent to the filing of the subject application for reissue of U.S. Letters Patent 6,373,624 and to sign on behalf of the Assignee.

CONSENT OF ASSIGNEE AND STATEMENT UNDER 37 CFR §3.73(b)


Fujitsu Limited, presently the assignee of the entire interest including all rights in the above-identified application, having its principal place of business at 1-1, Kamikodanaka 4-chome, Nakahara-ku, Kawasaki-shi, Kanagawa 211-8588, Japan, hereby consents to reissue of U.S. Letters Patent No. 6,373,624. The Assignment to Fujitsu Limited was recorded at Reel 8490, Frame 0017, on March 8, 1997. The evidentiary documents have been reviewed and it is certified that to the best of the assignee's knowledge and belief, title is in the assignee and the undersigned has the authority to act on the behalf of the assignee, Fujitsu Limited.

OFFER TO SURRENDER

Pursuant to 37 C.F.R. § 1.178, Fujitsu Limited hereby offers to surrender original U.S. Letters Patent 6,373,624.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: Nov. 26, 2004



Hideo Ozawa
General Manager
Patent Division
Fujitsu Limited